

DECLARATION**- Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35 U.S.C., 112, I acknowledge the duty to disclose information which is material to patentability, as defined in 37 C.F.R. 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US03/19150	06/17/2003	

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business connected therewith in the Patent and Trademark Office:

Customer Number _____ or Registered Practitioner(s) name/registration numbers listed below

Name	Registration Number	Name	Registration Number
Arne M. Olson	30,203	Michael A. Hierl	29,807
Dolores T. Kenney	31,269	Talivaldis Cepuritis	20,818
Joseph M. Kuo	38,943	Daniel J. Deneufbourg	38,943

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to: Customer Number _____ or Correspondence address below

Name Talivaldis Cepuritis
OLSON & HIERL, LTD.

Address 20 North Wacker Drive, 36th Floor

City <u>Chicago</u>	State <u>IL</u>	ZIP <u>60606</u>
Country <u>US</u>	Telephone <u>(312) 580-1180</u>	Fax <u>(312) 580-1189</u>

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor
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Given Name (first and middle, if any)	Family Name or Surname
---------------------------------------	------------------------

<u>Richard</u>	<u>RICHLEY</u>
----------------	----------------

Inventor's signature			Date: <u>9/1/03</u>
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Residence City <u>San Diego</u> CA	State <u>California</u>	Country <u>United States</u>	Citizenship <u>U.S.</u>
------------------------------------	-------------------------	------------------------------	-------------------------

Post Office Address <u>3434 Midway Drive, Suite 2001</u>
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City <u>San Diego</u>	State <u>California</u>	ZIP <u>92110</u>	Country <u>United States</u>
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Additional inventors are being named on the 1 supplemental Additional Inventor(s) Sheet(s) attached here

10/518423

EXPRESS MAIL LABEL NO. EL 747183478 US

DT01 Rec'd PCT/PTC 17 DEC 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard Richley *et al.*)
Application No.: National Stage of)
PCT/US2003/019150) Group Art Unit: Unknown
Filed: December 17, 2004)
For: DEVICES AND METHODS FOR)
MINIMALLY INVASIVE TREATMENT) Atty. Docket No. TDYNE-305
OF DEGENERATED SPINAL DISCS)

DESIGNATION OF PATENT PRACTITIONERS

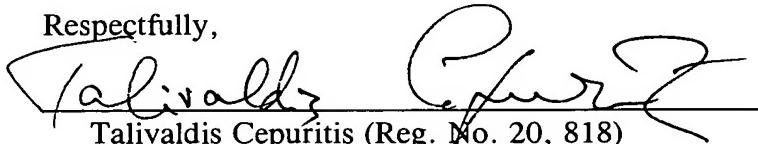
Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

Pursuant to 37 CFR§1.32(c)(3), the following patent practitioners are designated for the above-identified application:

Arne M. Olson	<u>30,203</u>
Michael A. Hierl	<u>29,807</u>
Dolores T. Kenney	<u>31,269</u>
Talivaldis Cepuritis	<u>20,818</u>
Seymour Rothstein	<u>19,369</u>
Joseph M. Kuo	<u>38,943</u>
Martin J. Corn	<u>35,847</u>
Robert J. Ross	<u>45,058</u>
Dennis H. Ma	<u>46,890</u>

Respectfully,



Talivaldis Cepuritis (Reg. No. 20, 818)

Date: December 17, 2004

OLSON & HIERL, LTD.
20 North Wacker Drive, 36th Floor
Chicago, Illinois 60606
United States of America
(312) 580-1180

DECLARATION**ADDITIONAL INVENTOR(S)****Supplemental Sheet**

Page 1 of 1

Name of Additional Joint Inventor, If any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle, if any)		Family Name or Surname		
<i>Marvin P.</i>		<i>LOEB</i>		
Inventor's signature	<i>Marvin P. Loeb</i>			Date: <i>8/27/03</i>
Residence	City Huntington Beach <i>CA</i>	State California	Country United States	Citizenship U.S.
Post Office Address	2872 Coast Circle, Apt. 101			
	City Huntington Beach	State California	ZIP 92649	Country United States
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle, if any)		Family Name or Surname		
Inventor's signature				Date:
Residence	City	State	Country	Citizenship
Post Office Address				
	City	State	ZIP	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle, if any)		Family Name or Surname		
Inventor's signature				Date:
Residence	City	State	Country	Citizenship
Post Office Address				
	City	State	ZIP	Country

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	TDYNE-305
		First Named Inventor	Richard R. RICHLEY
COMPLETE IF KNOWN			
		Application Number	
		Filing Date	
		Group Art Unit	
		Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if more than one name is listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVICES AND METHODS FOR MINIMALLY INVASIVE TREATMENT OF DEGENERATED SPINAL DISCS

the specification of which:

- is attached hereto;
- was filed on June 17, 2003 as PCT International Application Number PCT/US03/19150

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
PCT/US03/19150	PCT	06/17/2003	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.

Application Number(s)	Foreign Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.
60/389,365	06/17/2002	<input type="checkbox"/>

**DECLARATION FOR UTILITY OR
DESIGN PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted
with Initial Filing

Declaration
Submitted after
Initial Filing

Attorney Docket Number	TDYNE-305
First Named Inventor	Richard R. RICHLEY
COMPLETE IF KNOWN	
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES NO
PCT/US03/19150	PCT	06/17/2003	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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Customer Number _____

or

Registered Practitioner(s) name/registration numbers listed below

Name	Registration Number	Name	Registration Number
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Dolores T. Kenney	31,269	Talivaldis Cepuritis	20,818
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Name Talivaldis Cepuritis
 OLSON & HIERL, LTD.

Address 20 North Wacker Drive, 36th Floor

City Chicago	State IL	ZIP 60606
Country US	Telephone (312) 580-1180	Fax (312) 580-1189

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Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle, if any)		Family Name or Surname		
Richard		RICHLEY		
Inventor's signature				Date:
Residence	City San Diego	State California	Country United States	Citizenship U.S.
Post Office Address	3434 Midway Drive, Suite 2001			
City San Diego		State California	ZIP 92110	Country United States

Additional inventors are being named on the 1 supplemental Additional Inventor(s) Sheet(s) attached here

DECLARATION**REGISTERED PRACTITIONER
INFORMATION
(Supplemental Sheet)**

Name	Reg. No.	Name	Reg. No.
Martin J. Corn	35,847		
David A. Gottardo	46,736		
Seymour Rothstein	19,369		
John W. Klooster	18,953		
Robert J. Ross	45,058		

DECLARATION

ADDITIONAL INVENTOR(S)

Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle, if any)		Family Name or Surname		
Marvin P.		LOEB		
Inventor's signature				Date:
Residence	City Huntington Beach	State California	Country United States	Citizenship U.S.
Post Office Address	2872 Coast Circle, Apt. 101			
City Huntington Beach		State California	ZIP 92649	Country United States
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle, if any)		Family Name or Surname		
Inventor's signature				Date:
Residence	City	State	Country	Citizenship
Post Office Address				
City		State	ZIP	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
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Inventor's signature				Date:
Residence	City	State	Country	Citizenship
Post Office Address				
City		State	ZIP	Country

DECLARATION

REGISTERED PRACTITIONER INFORMATION (Supplemental Sheet)

Name	Reg. No.	Name	Reg. No.
Martin J. Corn David A. Gottardo Seymour Rothstein John W. Klooster Robert J. Ross	35,847 46,736 19,369 18,953 45,058		